

MATSUDA et al.
Serial No.: 09/321,204

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Further to the requests made in the responses dated November 12, 2003 and January 12, 2004, Applicants again respectfully request that a copy of an initialed PTO-1449 (corresponding to the Information Disclosure Statement submitted on August 25, 1999) be forwarded with the next USPTO communication.

Applicants' representative wishes to thank Examiner Phan for the courtesy extended during the interview of September 14, 2004. The substance of this interview is included in the discussion below.

Claims 1-23 were rejected under 35 U.S.C. Section 102(e) as allegedly being anticipated by Cistulli. While not acquiescing in this rejection, the claims have been amended along the lines discussed at the interview. Generally speaking, claims 1, 8 and 11 have been amended to describe, among other things, selecting from selection screens a country and a principal language for that country. These features are not described (or even suggested) in Cistulli. Independent claim 23 has been amended to describe that a receiver of the portable electronic apparatus receives data designating a country and a principal language for that country. In addition to failing to disclose the concepts of designating a country and a principal language for that country, Cistulli contains no teaching or suggestion of a receiver for receiving such data.

Cistulli discloses a cellular telephone that provides for translations of a displayed character string from a first language to a second language. As described, the telephone includes user interface functions 55 which include modules for converting between Japanese and English. A flash memory 85 stores a table containing conversion variables 86 that enable the user interface functions 55 to switch between languages. A separate set of variables is associated with each language. An interrupt signal generated in response to a user input toggles between a first and second variable set within the table of variables 86 to translate between the first language and the second language. As explained in Cistulli:

In this manner, a user unfamiliar with a foreign language may easily translate their cellular phone display between two languages, such

MATSUDA et al.
Serial No.: 09/321,204

as Japanese and English, in a simplified fashion. No attempt to struggle through a menu written in Japanese is necessary, and all the user must do is press a single button to achieve translation of messages on the display. Cistulli 3:18-24.

Independent claim 1 is directed to a portable electronic apparatus in which, among other things, a user-selected country, principal language for that country and additional language are used to initialize software incorporated in the apparatus. As discussed at the interview, Cistulli does not disclose these features. Instead, Cistulli discloses an apparatus that displays at the press of a button a character string in a second language which corresponds to a character string in a first language. A further press of the button or key brings back a display of the character string in the first language. Cistulli does not disclose an apparatus as in claim 1 which involves a user making selections from selection screens of a country in which the apparatus is being used, a principal language for that country and an additional language different than the principal language. Cistulli simply discloses an apparatus capable of converting one language into another at the press of a button (2:37-44).

It is axiomatic that anticipation of a claim under Section 102 can be found only if the prior art reference discloses every element of the claim. *See In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). Because Cistulli at least fails to disclose the above-noted features of claim 1, Cistulli cannot anticipate claim 1.

Claims 2-7, 17 and 18 depend from claim 1 and likewise cannot be anticipated by Cistulli. In addition, these claims describe other features not shown in Cistulli. For example, Cistulli does not disclose the editing of user-selections described in claims 2-7, nor does Cistulli disclose a country selection screen or a principal language selection screen described in claims 17 and 18 respectively. Consequently, claims 2-7, 17 and 18 are believed to be allowable for these additional and independent reasons.

With respect to independent claim 8, a portable electronic apparatus includes input means operable by a user to make selections from the selection screens of a country in which the portable electronic apparatus is being used, a principal language for that

MATSUDA et al.
Serial No.: 09/321,204

country, and an additional language different than the principal language. As discussed above, Cistulli does not disclose these features. In addition, claim 8 describes storing a flag indicating the selection of the country, the principal language, or the additional language using the input means, and further describes how software is initialized based on whether this flag is set/not set. No such features are disclosed or suggested by Cistulli and claim 8 is believed to be allowable for these additional and independent reasons.

Claims 9, 10, 19 and 20 depend from claim 8 and are believed to be allowable by virtue of this dependency. In addition, claim 9 describes the checking of the data selected using the input means; claim 10, the deleting of the data selected using the input means; claim 19, a country selection screen; and claim 20, a principal language selection screen. These features are not disclosed by Cistulli and thus these claims are believed to be allowable for these additional and independent reasons.

Claim 11 describes a portable electronic apparatus including, among other things, an input device operable by a user of the apparatus to select from the selection screens a country in which the portable electronic apparatus is being used and a principal language for that country and control circuitry that initializes a software application based on the user-selected country and principal language. As discussed at the interview, Cistulli does not disclose a portable electronic apparatus having these features and thus claim 11 is not anticipated by Cistulli.

Claims 12-16, 21 and 22 depend from claim 11 and are believed to be allowable by virtue of this dependency. In addition, these claims contain features that provide additional and independent bases for patentability. For example, claims 12-15 describe a flag that is set/cleared to indicate that a user-selected country and principal language are stored in a memory area of the portable electronic apparatus and that is cleared/set to indicate that no user-selected country and principal language are stored in the memory area. No such flag is disclosed (or even suggested) by Cistulli. Claims 21 and 22 call for a country selection screen and a principal language selection screen, respectively. As noted above, no such screen are disclosed or suggested by Cistulli.

Independent claim 23 has been amended to describe a portable electronic apparatus that includes, among other things, a receiver that receives data designating a

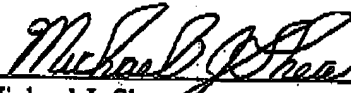
MATSUDA et al.
Serial No.: 09/321,204

country and a principal language for that country and control circuitry that initializes a software application based on the designated country and principal language. In addition to failing to disclose the concepts of designating a country and a principal language for that country, Cistulli contains no teaching or suggestion of a receiver for receiving such data. Consequently, Cistulli cannot anticipate claim 23.

Applicants submit that the pending claims are in condition for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.



Michael J. Shea
Registration No. 34,725

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJS:mjs